GOVERNMENT OF MADRAS. Lett. Ir-28.—60,006—4-1-

Revenue (1952) Department.

~~Endorsement~~
~~D.O.~~
~~Memorandum~~
~~Lodged~~

passed

No. 54678 F/52

Dated 20-11-52 1952

FURTHER PAPERS.

Number.	Series.	Date.

FOR MYSORE STATE

Humble petition of:

Tania Méra,
S/O Kukka Mèra,
Residing at Guthillede
Balnad Village,
Puttur. S.Kanara.

To

The Chief Minister,
Government of Madras.

Through:
The Puttur Taluk Ryot Seva Sangh,
Vittal. S.Kanara.

PUTTUR TALUK RYOT SEVA SANG

54678

Sir,

Sub:-Forcible possession of-
house and property of -
a poor Harijan.

The petitioner is a poor landless harijan. He is aged about 70 years. He has no other occupation except daily agriculture labour. He has occupying a plot of Government waste land measuring about one and half acres at Kallapado, in Balnad Village Puttur Taluk for the last twenty years. In the said plot he had effected considerable agricultural improvements which would easily cost him a thousand rupees. Particulars of the improvement being five cocounut trees, thirty cashu, six mango, nine jack-fruit, eight arecanut, and about half an acre of land has been changed into rice growing field. That he has built a house and dug a tank to irrigate the above said fields. All the improvements have been done at the cost of his and his families, daily labour and he has living hapily till last June 1952.

In the meanwhile the neighbouring land lord one Dr. B.Krishna Bhat has manifulating, to swallow the entire plot of land. He did succeed in getting the petitioner's thumb impression. This incident happened five years back. The petitioner was told that this taking of thumb impression has nothing to do with the said plot of land, he was occupying.

P.T.O.

All the while the said land lord was waiting for an opportunity to arrive to take possession of the said plot of land. On last June 1952 the petitioner was away at Coorg in search of labour. The said land lord took action thus forcibly removing the petitioner's wife and children and put his men as his tenants there. Then the petitioner came back. He ~~joined~~ found his hut being occupied by a stranger and ~~his~~ the petitioner's family as destitutes.

3/ The moment the petitioner came to the Village, he was threatened not to proceed ~~thereon~~ further or to give a complaint to the Police, ~~as~~ regarding the said plot of land, he was occupying. Fearing the safety of his life and his family the ignorent and illiterate harijan had to keep quiet all the ~~truths~~ while.

4/ Now the poor petitioner requests the Government to restore the said plot of land to his possession and thus allow him, to enjoy the fruits of his labour.

Petitioner.

Station:

Dated: 28.7.52

Thumb impression of L.h. of Thammanna.

Copy submitted to:

1. The Board of Revenue. Madras.
2. The Collector of South Kanara, District. Mangalore.
3. The Revenue Divisional Officer Puttur.
4. The District Welfare Officer South Kanara Mangalore.

Forwarded to the Honourable Chief Minister for favourable consideration

28/7/52 on behalf of A.

Rev dept

Pl issue
MF
5/8/52

Memo No 5476 F/52-1 dated 5-8-52. 3

Land:- (South Kanara) - Puttur taluk - Balnad village - govt waste land measuring about 1½ acres at Kallapade - Assignment to sri Tania mera - petition.

7/8/52

pp 1-2 cf

From sri Tania mera petition dated 28-7-52

A copy of the petition from sri Tania mera quoted above is forwarded to the Coll of South Kanara for an early report through the Bd of Rev

DE KS 11.8.52

MF 3/8/52

4/8/52

To
The Coll of South Kanara
(with a copy of the petition in the d.f)

Copy to the Bd of Rev C.L.R)
(with a copy of the petition in the d.f)

Note :-

Please see the petition and the minutes of d.f thereon on pp 1-2 d.f. The draft memo above is for approval.

MF 3/8/52

4/8/52

5.8.52

D.S

REVENUE DEPARTMENT.

Subject.

LAND (South Kanara)--Puttur taluk--Balnad village--Government waste land measuring about 1½ acres--Assignment to Sri Tania Mera--Petition Report submitted.

Madras L.Dis.B.7290/52. 28th October 1952.

Sri A.P. Maccarenhas, I.A.S., Secretary, Board of Revenue.
Sri S.A. Venkataraman, I.C.S., Commissioner of Land Revenue.

READ: i. Govt. memo No.54678 F/52-1 dated 5-8-52.
ii. South Kanara Collr's Ref.21444/52 B5 dated 16-10-52.

...

REFERENCE:

Submitted to the Government.

2. The Board agrees with the Collector. The Collector is being instructed to examine the question of assigning S.No.273/1B to the petitioner.

For SECRETARY.

HS/28-10

To the Secretary to the Government, Revenue Department (paras 1 and 2) with enclosures.
To the Collector of South Kanara (para 3)

Ref.21444/52 B5.

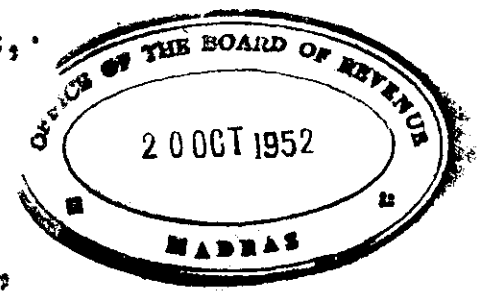
S.K.Collector's Office,
Mangalore dated 16.10.1952.

From

Sri C. A. Ramakrishnan I.C.S.,
Collector of South Kanara.

To

The Secretary to the Government,
(Revenue Department)
Fort St.George, Madras 9.



Through

The Secretary to the Board of
Revenue, Land Revenue, Chepauk,
Madras 5.

Sir,

LAND: (South Kanara) - Puttur taluk - Balnad village Puttur taluk Government waste land measuring about 1½ acres at Kallapadi - assignment to Sri Tania Mera - petition - report submitted.

****

REF: Govt.Memo.No.54678/F/52-1 dated 5.8.1952.
Board's Ref.B.7290/52-1 dated 22.8.1952.

****

This is a petition of one Sri Tania Mera of Balnad village Puttur taluk alleging that he and his family have been forcibly evicted by one Dr.Krishna Bhat from the Government waste land measuring about one acre and a half in Balnad village improved upon and occuried by him for the last 20 years. He requests that he may be put into possession of the plot.

2. A detailed enquiry has been held on the allegations made in the petition.

The plots improved upon by the petitioner form portion of S.Nos.339/2 and 273/1 of Balnad village Puttur taluk measuring 1.00 and 0.85 acres respectively. S.No.339/2 is a patta land standing registered in the name of one Sri Mahalinga Bhat and S.No.273/1 stands registered as A.W.Government land which is contiguous to S.No.339/2 . The portion encroached upon in S.No.273/1 marked as 273/1B in the sketch enclosed. The cost of improvements effected by the petitioner on the patta land is estimated at Rs.250/- and the age of the encroachment is about 20 years. The improvements made on the A.W. land, S.No.273/1B (0.25) by the petitioner consists of a mud wall enclosure, on the eastern and southern sides, one thatched house aged about 8 years, 5 jack and 9 mango plants aged 4 to 6 years, one bearing coconut tree aged about 10 years 4 bearing areca trees aged about 10 years 3 coco plants aged 5 years, 3 areca plants aged 5 years and 3 more aged 3 years 12 cashew trees aged 5 to 6 years, some banana plants, and a paddy flat measuring 0.06 cents. There is also one bearing jack tree of spontaneous growth, aged about 32 years. The age of the improvements as a whole may be taken as 10 years, and the total cost about Rs.90/- The major portion of the improvements

made by the petitioner is on the patta land S.No.339/2, The petitioner Sri Thania Mera who was occupying the plots mentioned above shifted his residence in about the end of 1949, on account of certain family disputes, and thereafter his son Sri Chennu Mera along with his wife continued to live there, until finally when Chennu Mera was convicted in a prohibition case the house thereafter was entirely deserted. It was only when the plot was vacated by the petitioner and his family that the registered holder of the patta land S.No.339/2 brought in a new tenant viz Salap Souza. It is therefore clear that the allegation made by the petitioner that he was forcibly evicted by one Dr.K. Krishna Bhat is false. Dr.Krishna Bhat, against whom the allegation has been levelled totally denies them. He seems to be least concerned about the lands in question as the patta land al along with the other lands, belonging to the joint family of which he is a junior member is being managed and looked after by his under Sri Mahalinga Bhat the registered holder of the properties. The latter could not be examined as he is residing away at Koipady Kasaragod taluk.

3. The petitioner has now given a statement claiming compensation for the improvements made by him on the patta land S.No.339/2. The claim put forward does not appear to be well founded and no interference by this department is called for the petitioner can only seek redress of his grievances in a court of law, if so advised.

4. The statement of Salap Souza at page 21 C.f. shows that he has been occupying the house on the portion marked 'B' in the sketch, which lies on the patta land S.No.339/2. This means that there is no effective occupation of the plot S.No.273/1B at present. The encroachments made by the petitioner on the plot S.No.273/1B are considerable. They were made prior to 1.5.48. Though the plot encroached upon forms a portion of a compact block of over 100 acres, it lies at one end of the block. The petitioner is reported to be a landless poor person. It seems therefore that the assignment of the plot encroached upon by him is unobjectionable. The question of assignment of the plot S.No.273/1B will however be taken up on the merits of the case in due course.

5. The records of enquiry containing pages 1 to 44 are enclosed for reference and return.

Yours faithfully,

For Collector.

mr.16.10.

Pl issue
Ky 20/11/52

Rev Dept

Memo No. 5H6T8F/52-1 dated 20-11-52.

V.S. 22.11.52

Sub:- Land - (South Kanara) - Puttur taluk - Balnad village - Govt waste land measuring about 1½ acres at Kallarade - Assignment to Sri Tania Mera - Petition - Orders passed.

Ref:- 1. From Sri Tania Mera petition dated 28-7-52. pp1-2 ef
2. From the Bd of Rev Ref L. Dis. B-7290/52 dated 28-10-52 pp4-6 ef

In his petition quoted above, Sri Tania Mera has represented to the Govt that he and his family were forcibly evicted by one Sri Krishna Bhat from the Govt waste land measuring about 1½ acres in the Balnad village, Puttur taluk, South Kanara district improved upon and occupied by him for the last 20 years and has requested that he may be put in possession of the land. The Govt have examined the matter in consultation with the Collector of South Kanara and the Bd of Rev, and find that the allegations are not true. They also find that the plots referred to by the petitioner form portions of S.No 339/2 and 273/1 of Balnad village, measuring 1.00 and 0.85 acres respectively and that S.No 339/2 is a patta land standing registered in the name of one Sri Mahaliga Bhat and S.No 273/1, is assessed waste land adjoining S.No 339/2. As S.No 339/2 is a patta land, the pattadar cannot be directed to pay any compensation to the petitioner nor can the land be put in possession of the petitioners. As regards the portion of S.No 273/1 in question, the petitioner is referred to the Collector of South Kanara.

vide para 3 on pp1-2 N.F.

vide 'A' on p2 N.F.

vide para 4 on p2 N.F.

2. Under the orders in force, landless

poor persons should be given the first preference in the matter of assignment of lands. As the petitioner is a landless poor person and in view of the fact that the assignment of the land is unobjectionable, the Collr is requested to assign the portion of S. No. 273/1 referred to above, to the petitioner. The Collr is also informed that the assignment should be expedited.

MG
18/XII/52

18/11/52

19.11.52

vide d. m's minutes at the bottom of p2 N.F.

End

25.11.52

To
The Bd of Rev (L.R.)
The Collr of South Kanara
Sri Tamia mera
S/o Kukka mera
Residing at
Ejithillada
Balnad Village
Puttur taluk
South Kanara Dt
(Para 1 only)
Scs - 3

Revenue Department

MEMORANDUM NO.54678 F/52-1, dated 20th November 1952.

Sub: Land - (South Kanara) - Puttur taluk - Balnad Village - Government waste land measuring about 1½ acres at Kallapade - Assignment to Sri Tania Mera - Petition - Orders passed.

Ref: From Sri Tania Mera petition dated 28-7-52. From the Board of Revenue, Reference L.Dis. B-7290/52, dated 28-10-52.

In his petition quoted above, Sri Tania Mera has represented to the Government that he and his family were forcibly evicted by one Dr. Krishna Bhat from the Government waste land measuring about 1½ acres in the Balnad Village, Puttur taluk, South Kanara district improved upon and occupied by him for the last 20 years and has requested that he may be put in possession of the land. The Government have examined the matter in consultation with the Collector of South Kanara and the Board of Revenue, and find that the allegations are not true. They also find that the plots referred to by the petitioner form portions of S.No.339/2 and 273/1 of the said Balnad Village, measuring 1.00 and 0-85 acres respectively and that S.No.339/2 is a patta land standing registered in the name of one Sri Mahalinga Bhat and that S.No.273/1, is assessed waste adjoining S.No.339/2. As S.No.339/2 is a patta land, the pattadar cannot be directed to pay any compensation to the petitioner nor can the land be put in possession of the petitioner. As regards the portion of S.No.273/1 in question, the petitioner is referred to the Collector of South Kanara.

2. Under the orders in force, landless poor persons should be given the first preference in the matter of assignment of lands. As the petitioner is a landless poor person and in view of the fact that the assignment of the land is unobjectionable, the Collector is requested to assign the portion of S.No.273/1 referred to above, to the petitioner. The Collector is also informed that the assignment should be expedited.

P. KRISHNAIAH NAIDU,
Assistant Secretary to Government.

To

The Board of Revenue (Land Revenue).
The Collector of South Kanara.
Sri Tania Mera S/O Kukka Mera Residing at Guthilledey, Balnad Village, Puttur taluk, South Kanara district.
(para 1 only)

Forwarded/By Order

V.S.22.11.

Superintendent.

Pl issue
27/11/52

W

Rev dept

memo No. 5 H b 78 F/52-4 dated 27-11-52

Land - (South Kanara) - Puttur taluk - Balnad village - govt waste land measuring about 1½ acres at Kallapade - Assignment to Sri Tania Mena - petition orders passed.

Dpl item 1 only WR 4/12 TP 7 & 8 cf

govt memo No. 5 H b 78 F/52-1 Rev dated 20-11-52

Dpl item 2 only 17 2/12 F 4 cf

The South Kanara Collector's file D.R. b 35/50 dated 30-6-51 received with the Bd's reference L. Dis. B-7290/52 dated 28-10-52 is returned to the Collector

27/11/52

The Collector of South Kanara (with D.R. b 35/50 returned)

26/11/52

Cy to the Bd of Rev (L.R.)

26/11/52

[CMS 54678F/52]

Revenue Department

Land - (South Kanara) - Puttur Taluk - Balnad village - Govt. waste land measuring about 1½ acres at Kallapade - Assignment to Sri Tania Mora - Petition.

pp1-2 c.f.
pp3-6 c.f.
p4 c.f.

From Sri Tania Mora, petition d/28.7.52.
From the Collr. of S.Kanara, Ref.21444/52-B5, d/16.10.52.
From the Bd. of Rev., Ref.L.Dis.B.7290/52, d/28.10.52.

To A.S

Please see the petition from Sri Tania Mora on pp.1-2 c.f., the minutes of C.M. thereon on p.1 c.f., the memo. on p.3 c.f., and the Bd's reference and its enclosure on pp.4-6 c.f.

vide paras on pp1-2 c.f.

2. The petitioner has alleged that he and his family were forcibly evicted by one Dr. Krishna Bhat from the Govt. waste land measuring about 1½ acres in Balnad village, Puttur Taluk, South Kanara district, improved upon and occupied by him for the last 20 years. He has requested that he may be put in possession of the plot. With reference to the minutes of C.M. on p.1 c.f., a report was called for from the Collr. of South Kanara through the Bd. of Rev. The Collr's letter and the Bd's remarks thereon are on pp.4-6 c.f. and may be perused.

vide paras 1 & 2 on p 2 c.f.

vide para 3 on p3 c.f.

3. The Collr, after a detailed enquiry has reported that the plots improved upon by the petitioner form portions of S.No.339/2 and 273/1 of Balnad village, Puttur Taluk, measuring 1.00 and 0.85 acres respectively and that S.No.339/2 is a patta land standing registered in the name of one Sri Mahalinga Bhat and S.No.273/1, is assessed waste Govt. land which adjoins ~~continuous to~~ S.No.339/2. The improvements made by the petitioner on the portion encroached upon in S.No. 273/1, are as stated at "X" on p.5 c.f. The Collr. has also reported that the cost of improvements effected by the petitioner on the Govt. land (S.No. 273/1 - 0.85 acres) would be about Rs.90/- and that on the patta land (S.No.339/2) ~~is~~ Rs.250/-. For the reasons stated in para 2 of his letter on p.6 c.f., the Collr

3460/52

vide para 2 on pp 1-2 ante

considers that the allegation made by the petitioner that he was forcibly evicted by one Dr. Krishna Bhat is false. The petitioner is reported to have given a statement before the Collr. claiming compensation for the improvements made by him on the patta land (S.No.339/2). The Collr. considers that this claim does not appear to be well founded and that it is beyond the purview of this Dept. to award such compensation and that it is open to the petitioner to have his grievances redressed in a Civil Court of Law. As S.No.339/2 is a patta land, the pattadar cannot be directed to pay any such compensation to the petitioner nor can the land be put in possession of the petitioner.

vide para 3 on pb ante

v/ ibid

A

4. The Collr. has stated that the portions of S.No.273/1 in question can be assigned to the petitioner as it is lying at one end of the compact block and as the improvements effected by the petitioner who is a landless poor person were prior to 1.5.1948. The Bd. has agreed with the Collr. It has also instructed the Collr. to examine the question of assigning S.No. 273/I-B to the petitioner. In view of the fact that under the orders in force landless poor persons ~~would~~ should be given the first ~~priority~~ preference in the matter of assignment of land, the Collr. may perhaps be instructed to assign the portion of S.No.273/1-B referred to above to the petitioner, ~~provided~~ the assignment of the same is unobjectionable. The Collr. says that it is unobjectionable as the petitioner is a landless

vide para 4 on pb ante

P.H. ante

cp. no. RS 1986 Revdy 8-7-52 (E)

B

5. For orders whether the petitioner may be informed as at "A" and "B" above.

SECRETARY TO GOVERNMENT 17 NOV 1952 REVENUE DEPARTMENT

6/11/52

8/11/52

A & B may be approved (The file is circulated to C.M. also w.r.t. his minute at p. 1 ante)

12.11.52

Y(L.R.) C.M.

13/11/52

D.S. M(L.R.)

C.M.

8/11/52

To A.S

with reference to the orders in circulation at the bottom of p 2 ante, a draft memo is submitted for approval.

MKJ
8/X1/52

8/11/52